



**Division of Fire Safety  
Rutland Regional Office**  
56 Howe Street, Building A- Suite 200  
Rutland, VT 05701  
[www.vtfiresafety.org](http://www.vtfiresafety.org)

[phone] 802-786-5867  
[fax] 802-786-5872

*Department of Public Safety*

August 20, 2014

Jason P. Morrissey  
Attorney At Law  
217 Union Street  
Bennington, VT 05201-0014

Re: Variance Request

Location: Bennington Furniture, 17 Rte. 4, Center Rutland

Site # 3314

Dear Mr. Morrissey:

I am in receipt of your variance request for the Bennington Furniture Building, to allow the existing exits and vertical openings to remain and the requirement to sprinkle the building.

The first floor of the building contains 19,200 square feet of retail space with a front and rear exit. The second floor contains 2,000 square feet of retail space. The lower level of the building is about 19,000 square feet and is used for retail and storage.

Under the provisions of the 2012 Vermont Fire & Building Safety Code, Section 8, a variance may be granted, when the applicant can demonstrate evidence that strict compliance with the Code would entail practical difficulty, unnecessary hardship or otherwise found unwarranted. Evidence must also be submitted that any such variance or exemption secures the public safety and health and that the methods, means or practices proposed provide equal protection of the public safety and health.

**Code requirements:** NFPA 101, Section 37.3.5.1 mercantile occupancies, other than one-story buildings that meet the requirements of a street floor, as defined in 3.3.270 shall be protected by an approved automatic sprinkler system in accordance with 9.7.1.1 (1) in any of the following specified locations.

- (1) Throughout all mercantile occupancies with a story over 15,000 square feet in area.
- (2) Throughout all mercantile occupancies exceeding 30,000 square feet in gross area.



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- (3) Throughout stories below the level of exit discharge, where such stories have an area exceeding 2500 square feet, and are used for sales, storage, or handling of combustible goods and merchandise.

In lieu of the code requirements you have offered to install the required fire alarm. Bennington Furniture will address issues of second story exits and vertical separation in the next two years when renovations occur.

After further review of the codes and my site visit to the building your variance request is **Denied**.

To request reconsideration the owner or designated representative shall submit a written request to Joe Benard, Deputy Director no later than 30 days after receiving the decision. You may contact Mr. Benard, at 1311 U.S. Route 302, Suite 600, Barre, VT 05641-2351.

Sincerely,

L.D. Sutherland Jr.  
Regional Manager, Rutland

Cc: Regional Managers  
Deputy Director  
Josh Maxham, Assistant Fire Marshal  
Rutland Town Fire Dept.

